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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/529,644	04/17/2000	JOERG SCHWENK	2345/122	8596

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NEW YORK, NY 10004

EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/529,644	Applicant(s) SCHWENK ET AL.	
	Examiner Andrew Y. Koenig	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32 is/are allowed.
- 6) ☒ Claim(s) 15-22, 24-31 and 33 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 15-33 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

2. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claim 32 is allowed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 15-18 and 20-22 are rejected under 35 U.S.C. 102(a) as being anticipated by GB 2311 451 to Tsuria.

Regarding claim 15, Tsuria teaches transmitting data from a headend (claimed transmitter) via a pay TV network (which inherently has a transmission medium in order to transmit the information) to the decoder (claimed the pay TV terminal) (pg. 11, ll. 5-14, pg. 15, ll. 17-20). Tsuria teaches receiving the data from the pay TV network, which

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inherently buffers the data at the decoder in order to reactivate another card (pg. 15, ll. 17-20). Tsuria teaches inserting the first and second smart cards into the decoders (as shown in figure 2A-2B), which inherently must establish at least an electrical communication between the smart cards and the pay TV terminal. Tsuria teaches routing the deactivation codes (which equates to the claimed receiving rights in the mobile data carrier) from the decoder to the smart card, wherein the data includes at least second receiving rights for a second smart card (claimed second mobile data carrier) (pg. 15, ll. 17-20).

Regarding claim 16, Tsuria teaches smart cards (pg. 11, ll. 5-19).

Regarding claim 17, Tsuria teaches transmitting data from a headend (claimed transmitter) via a pay TV network (which inherently has a transmission medium in order to transmit the information) to the decoder (claimed the pay TV terminal) (pg. 11, ll. 5-14, pg. 15, ll. 17-20). Tsuria teaches receiving the data from the pay TV network, which inherently buffers the data at the decoder in order to reactivate another card (pg. 15, ll. 17-20). Tsuria teaches inserting the first and second smart cards into the decoders (as shown in figure 2A-2B), which inherently must establish at least an electrical communication between the smart cards and the pay TV terminal. Tsuria teaches routing the deactivation codes (which equates to the claimed receiving rights in the mobile data carrier) from the decoder to the smart card, wherein the data includes at least second receiving rights for a second smart card (claimed second mobile data carrier) (pg. 15, ll. 17-20).

Tsuria teaches validating, identifying, verifying, and authenticating the second smart card (pg. 15, ll. 3-5), wherein both cards get the same list of filters, which equates to storing a list of a respective chipcard number and respective filter information, further Tsuria teaches a smart card that enables the pay-TV terminal to cooperate with both the first and second smart card (pg. 12, ll. 20-22).

Regarding claim 18, Tsuria inherently teaches a list that has a length or composition that is either variable or fixed in that all list are either variable or fixed lengths.

Regarding claim 20, Tsuria teaches inserting cards (as shown in fig. 2A-2B), which equates to the claimed storing is performed manually.

Regarding claim 21, Tsuria teaches transmitting the chipcard numbers and respective filter information to the pay-TV terminal via the transmission medium (pg. 15, ll. 17-20).

Regarding claim 22, Tsuria teaches upon inserting a card transferring information (pg. 14-15, ll. 14-2), which equates to transmitting filter information the terminal using the smart card upon establishing a communication between the terminal and smart card.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19, 24-31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2311 451 to Tsuria in view of WO 96/07267 to Chaney.

Regarding claim 19, Tsuria teaches is silent on automatically storing the rules using the pay-TV terminal. In analogous art, Chaney teaches storing EMMs upon receipt into the pay-TV terminal and storing the data into the EEPROM of the smart card (pg. 11, ll. 21-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsuria by automatically storing the rules using the pay-TV terminal as taught by Chaney in order to enable the system to add and delete entitlements to services.

Regarding claim 24, Tsuria teaches transmitting data from a headend via a pay TV network (which inherently has communication apparatus in order to receive transmitted information) to the decoder (claimed the pay TV terminal) (pg. 11, ll. 5-14, pg. 15, ll. 17-20). Tsuria teaches receiving the data from the pay TV network, which inherently buffers the data in memory at the decoder in order to reactivate another card (pg. 15, ll. 17-20). Tsuria teaches inserting the first and second smart cards into the decoders (as shown in figure 2A-2B), which inherently must establish at least an electrical communication between the smart cards and the pay TV terminal. Tsuria teaches routing the deactivation codes (which equates to the claimed receiving rights in the mobile data carrier) from the decoder to the smart card, wherein the data includes at least second receiving rights for a second smart card (claimed second mobile data carrier) (pg. 15, ll. 17-20). Tsuria teaches sending receiving information to the smart

cards but is silent on control and evaluation electronics. Chaney teaches a security controller 183 for processing EMM and ECM data and providing entitlement information (pg. 10, ll. 3-19, pg. 11, ll. 21-29), which equates to a control and evaluation electronics. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsuria by incorporating control and evaluation electronics as taught by Chaney in order to facilitate processing of the entitlement messages thereby ensuring that the system accesses desirable programming.

Regarding claim 25, Tsuria teaches pay TV terminals (pg. 10, ll. 6-14).

Regarding claim 26, Tsuria teaches smart cards (pg. 11, ll. 5-19).

Regarding claim 27, Tsuria teaches activating and deactivating (pg. 14, ll. 14-20, pg. 15, ll. 17-20).

Regarding claim 28, the combination of Tsuria and Chaney is addressed in the discussion of claim 24, the combination of Tsuria and Chaney teaches storing EMM data in EEPROM (Chaney: pg. 11, ll. 21-29), which is non-volatile memory.

Regarding claim 29, the combination of Tsuria and Chaney is addressed in the discussion of claim 24, the combination of Tsuria and Chaney teaches storing EMM data in EEPROM (Chaney: pg. 11, ll. 21-29)

Regarding claim 30, Tsuria teaches transmitting data from a headend via a pay TV network (which inherently has communication apparatus in order to receive transmitted information) to the decoder (claimed the pay TV terminal) (pg. 11, ll. 5-14, pg. 15, ll. 17-20). Tsuria teaches receiving the data from the pay TV network, which

inherently buffers the data in memory at the decoder in order to reactivate another card (pg. 15, ll. 17-20). Tsuria teaches inserting the first and second smart cards into the decoders (as shown in figure 2A-2B), which inherently must establish at least an electrical communication between the smart cards and the pay TV terminal. Tsuria teaches routing the deactivation codes (which equates to the claimed performing an allocation respectively between the first and second portion of the buffered data and the first and second mobile carriers) from the decoder to the smart card, wherein the data includes at least second receiving rights for a second smart card (pg. 15, ll. 17-20).

Tsuria teaches sending receiving information to the smart cards but is silent on control and evaluation electronics. Chaney teaches a security controller 183 for processing EMM and ECM data and providing entitlement information (pg. 10, ll. 3-19, pg. 11, ll. 21-29), which equates to a control and evaluation electronics. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsuria by incorporating control and evaluation electronics as taught by Chaney in order to facilitate processing of the entitlement messages thereby ensuring that the system accesses desirable programming.

Tsuria teaches validating, identifying, verifying, and authenticating the second smart card (pg. 15, ll. 3-5), wherein both cards get the same list of filters, which equates to storing a list of a respective chipcard number and respective filter information, further Tsuria teaches a smart card that enables the pay-TV terminal to cooperate with both the first and second smart card (pg. 12, ll. 20-22).

Regarding claim 31, Tsuria teaches transmitting data from a headend via a pay TV network (which inherently has communication apparatus in order to receive transmitted information) to the decoder (claimed the pay TV terminal) (pg. 11, ll. 5-14, pg. 15, ll. 17-20). Tsuria teaches receiving the data from the pay TV network, which inherently buffers the data in memory at the decoder in order to reactivate another card (pg. 15, ll. 17-20). Tsuria teaches inserting the first and second smart cards into the decoders (as shown in figure 2A-2B), which inherently must establish at least an electrical communication between the smart cards and the pay TV terminal. Tsuria teaches routing the deactivation codes (which equates to the claimed receiving rights in the mobile data carrier) from the decoder to the smart card, wherein the data includes at least second receiving rights for a second smart card (claimed second mobile data carrier) (pg. 15, ll. 17-20). Tsuria teaches sending receiving information to the smart cards but is silent on control and evaluation electronics. Chaney teaches a security controller 183 for processing EMM and ECM data and providing entitlement information (pg. 10, ll. 3-19, pg. 11, ll. 21-29), which equates to a control and evaluation electronics. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsuria by incorporating control and evaluation electronics as taught by Chaney in order to facilitate processing of the entitlement messages thereby ensuring that the system accesses desirable programming.

Tsuria teaches routing the deactivation codes (which equates to the claimed receiving rights in the mobile data carrier) from the decoder to the smart card, wherein the data includes at least second receiving rights for a second smart card (claimed

second mobile data carrier) (pg. 15, ll. 17-20) and Tsuria teaches validating, identifying, verifying, and authenticating the second smart card (pg. 15, ll. 3-5), which equates to determining which of the data carriers is in communication with the terminal to enable respective routing of the activation codes,

Regarding claim 33, Tsuria teaches transmitting data from a headend via a pay TV network (which inherently has communication apparatus in order to receive transmitted information) to the decoder (claimed the pay TV terminal) (pg. 11, ll. 5-14, pg. 15, ll. 17-20). Tsuria teaches receiving the data from the pay TV network, which inherently buffers the data in memory at the decoder in order to reactivate another card (pg. 15, ll. 17-20). Tsuria teaches inserting the first and second smart cards into the decoders (as shown in figure 2A-2B), which inherently must establish at least an electrical communication between the smart cards and the pay TV terminal. Tsuria teaches routing the deactivation codes (which equates to the claimed receiving rights in the mobile data carrier) from the decoder to the smart card, wherein the data includes at least second receiving rights for a second smart card (claimed second mobile data carrier) (pg. 15, ll. 17-20). Tsuria teaches sending receiving information to the smart cards but is silent on control and evaluation electronics. Chaney teaches a security controller 183 for processing EMM and ECM data and providing entitlement information (pg. 10, ll. 3-19, pg. 11, ll. 21-29), which equates to a control and evaluation electronics. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsuria by incorporating control and evaluation electronics

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as taught by Chaney in order to facilitate processing of the entitlement messages thereby ensuring that the system accesses desirable programming.

Tsuria teaches routing the deactivation codes (which equates to the claimed receiving rights in the mobile data carrier) from the decoder to the smart card, wherein the data includes at least second receiving rights for a second smart card (claimed second mobile data carrier) (pg. 15, ll. 17-20).

Tsuria teaches validating, identifying, verifying, and authenticating the second smart card (pg. 15, ll. 3-5), wherein both cards get the same list of filters, which equates to storing a list of a respective chipcard number and respective filter information, further Tsuria teaches a smart card that enables the pay-TV terminal to cooperate with both the first and second smart card (pg. 12, ll. 20-22).

Conclusion

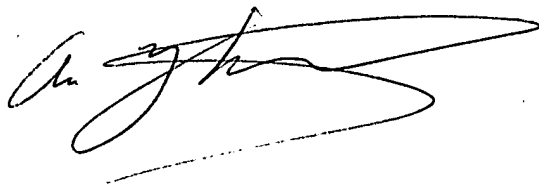
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ayk

A handwritten signature in black ink, appearing to be 'ayk', is written over a horizontal line.